

November 18, 2021

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 18th day of November 2021, at 7:00 P.M., and there were

PRESENT:           JOHN MIKOLEY, MEMBER  
                          JILL MONACELLI, MEMBER  
                          LAWRENCE PIGNATARO, MEMBER  
                      \*   KEITH STOERR, MEMBER  
                          PETER SUGG, MEMBER  
                          MARK TILLMANNS, MEMBER  
                          CARLO DIRIENZO, CHAIRMAN

ABSENT:

ALSO PRESENT:    DIANE M. TERRNOVA, TOWN CLERK  
                          EMILY ORLANDO, DEPUTY TOWN ATTORNEY  
                          MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

\*     Mr. Stoerr arrived at 7:04 PM

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF: DWANE & JENNA LAUFER**

THE 1<sup>st</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Dwane and Jenna Laufer, 10 Summerfield Drive, Lancaster, New York 14086 for one [1] variance for the purpose of allowing a cabana installed without a permit to remain in a drainage easement on premises owned by the petitioners at 10 Summerfield Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The cabana was installed without a building permit in a drainage easement.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires no structures, other than fencing, be allowed within any drainage access easement. The petitioners, therefore, request a five [5] foot drainage access easement variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Matthew Laufer, Esq.  
Representing Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: DWANE & JENNA LAUFER**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. SUGG, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PIGNATARO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Dwane & Jenna Laufer and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 2021, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicants are the present owners of the premises in question.

**WHEREAS**, the property for which the applicants are petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT**

**RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following condition which in the opinion of this board is an appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That the petitioner signs and files the Private/Public Drainage Easement Agreement with the Town of Lancaster and Erie County Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

	MR. MIKOLEY	VOTED YES
	MS. MONACELLI	VOTED YES
	MR. PIGNATARO	VOTED YES
*	MR. STOERR	ABSTAINED
	MR. SUGG	VOTED YES
	MR. TILLMANNS	VOTED YES
	MR. DIRIENZO	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

- \* Due to his tardiness, Mr. Stoerr abstained.

November 18, 2021

**PETITION OF: CATHERIN KRESIC**

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Catherin Kresic, 569 Harris Hill Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a wood deck on premises owned by the petitioner at 569 Harris Hill Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a wood deck to be constructed four [4] feet from the south property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires each side yard: the lesser of 10% of the lot width or Total side yard: the lesser of 25% of the lot width or twenty-five [25] feet which equals seven [7] feet, six [6] inches. The petitioner, therefore, requests a three [3] foot, six [6] inch property line variance.

**The Clerk presented and entered into evidence the following items:**

- Duly executed petition of the applicant with exhibits and schedules attached thereto.
- Copy of a letter notifying the petitioner of the time and place of this public hearing.
- Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.
- Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Dennis Kresic, Petitioner	Proponent
Catherin Kresic, Petitioner	Proponent

**IN THE MATTER OF THE PETITION OF: CATHERIN KRESIC**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. MONACELLI, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. SUGG  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Catherin Kresic and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 2021, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. DIRIENZO	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

November 18, 2021

**PETITION OF: BRUCE RIEXINGER**

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of Bruce Riexinger, 101 Simme Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a Pole Barn on premises owned by the petitioner at 101 Simme Road, a combined parcel formerly known as 450 Town Line Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for the construction of a 2,560 square foot Pole Barn.

Chapter 400, Zoning, Section 13, Subsection D, Schedule B of the Code of the Town of Lancaster requires a maximum accessory structure size of 1,250 square feet. The petitioner, therefore, requests a 1,310 square foot variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for the construction of a thirty-three [33] foot, six [6] inch tall Pole Barn.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Bruce Riexinger, Petitioner	Proponent
Kenneth Zydel	Opponent
Francine Zydel	Opponent
Ellen Engelhart	Opponent
Jill Blachaniec	Opponent
Donald Blachaniec	Opponent



**IN THE MATTER OF THE PETITION OF: BRUCE RIEXINGER**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. MIKOLEY, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. TILLMANN'S  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Bruce Riexinger and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 2021, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Agricultural Residential, (AR) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That an undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That a detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial.

That the proposed area variance relief will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That the petitioner failed to carry the burden of establishing that strict compliance with the Zoning Ordinance would cause practical difficulties rendering the property unusable.

That denial of the variance does not deprive the petitioner of the ability to build within Town Code.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **CONSIDERED**.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. DIRIENZO	VOTED	YES

The resolution granting the variance was thereupon **DENIED**.

November 18, 2021

**PETITION OF: QUINTON CUSIMANO**

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Quinton Cusimano, 725 Aurora Street, Lancaster, New York 14086 for two [2] variances for the purpose of installing a parking area for storage of a camper on premises owned by the petitioner at 725 Aurora Street, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing a parking area zero [0] feet from the south property line for storage of a camper.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a residential district of five [5] feet. The petitioner, therefore, requests a five [5] foot variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 16, Subsection D(2)(d) of the Code of the Town of Lancaster. The request calls for the storage of a twelve [12] foot tall camper in a side yard.

Chapter 400, Zoning, Section 16, Subsection D(2)(d) of the Code of the Town of Lancaster requires if the stored or parked height exceeds eight [8] feet, the vehicle shall be parked or stored in the rear yard or housed within a completely enclosed building. The petitioner, therefore, requests a four [4] foot variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Quinton Cusimano, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: QUINTON CUSIMANO**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. SUGG, WHO MOVED ITS  
ADOPTION, SECONDED BY CHAIRMAN  
DIRIENZO TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Quinton Cusimano and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 2021, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **CONSIDERED**.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

MR. MIKOLEY	VOTED	NO
MS. MONACELLI	VOTED	NO
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	NO
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	NO
MR. DIRIENZO	VOTED	YES

The resolution granting the variance was thereupon **DENIED**.

November 18, 2021

**PETITION OF: STEVEN STANISZEWSKI**

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Steven Staniszewski, 49 Steinfeldt Road, Lancaster, New York 14086 for one [1] variance for the purpose of installing a shed on premises owned by the petitioner at 49 Steinfeldt Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing a shed seven [7] feet, six [6] inches from an existing inground pool.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires an accessory structure to be a minimum of ten [10] feet from another structure. The petitioner, therefore, requests a two [2] foot, six [6] inch variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Steven Staniszewski, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: STEVEN STANISZEWSKI**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. STOERR, WHO MOVED ITS  
ADOPTION, SECONDED BY MS. MONACELLI  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Steven Staniszewski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 2021, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. DIRIENZO	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

November 18, 2021



**PETITION OF: MITCH DONNELLY/FLEXLUME SIN CO.**

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Mitch Donnelly, Flexlume Sign Co., 1464 Main Street, Buffalo, New York 14209 for three [3] variances for the purpose of replacing an existing pole sign on premises owned by Linda Stang, 327-42 Forestream, LLC, 4711 Transit Road, Depew, New York 14043 at 4725 Transit Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F.(2)(c)[3] of the Code of the Town of Lancaster to permit a pole sign in an Multi Family Mixed Use (MFMU) District.

Chapter 400, Zoning, Section 30, Subsection F.(2)(c)[3] of the Code of the Town of Lancaster requires one pole sign for each individual building, not a part of a multiple development, shall be permitted in Light Commercial (LI), General Commercial (GC), Light Industrial (LI) and General Industrial (GI) Districts only. The petitioner, therefore, requests allowing a pole sign in an MFMU District variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F.(2)(c)[3][b] of the Code of the Town of Lancaster to permit a sign height of thirty-three [33] feet.

Chapter 400, Zoning, Section 30, Subsection F.(2)(c)[3][b] of the Code of the Town of Lancaster limits the maximum sign height to twenty-five [25] feet in height. The petitioner, therefore, requests an eight [8] foot sign height variance.

- C. A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F.(2)(c)[3][e] of the Code of the Town of Lancaster to permit a sign face area of 231 square feet.

Chapter 400, Zoning, Section 30, Subsection F.(2)(c)[3][e] of the Code of the Town of Lancaster limits the maximum sign face area to ninety-six [96] square feet. The petitioner, therefore, requests a 135 square foot sign face area variance.

**The Clerk presented and entered into evidence the following items:**

- Duly executed petition of the applicant with exhibits and schedules attached thereto.
- Copy of a letter notifying the petitioner of the time and place of this public hearing.
- Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.
- Copy of a letter notifying the Erie County Department of Environment and Planning and the New York State Department of Transportation of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Paddy Rowell	Proponent
Mitch Donnelly, Flexlume Sign, Petitioner	Proponent

**IN THE MATTER OF THE PETITION OF: MITCH DONNELLY/FLEXLUME SIGN CO.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. STOERR, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. MIKOLEY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Mitch Donnelly/ Flexlume Sign Co. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 2021, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the duly authorized agent of the property.

**WHEREAS**, the property for which the applicant is petitioning is within a Multi Family Mixed Use, (MFMU) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	NO
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. DIRIENZO	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

November 18, 2021

**PETITION OF: ROBERT & KRISTEN GAGLIARDI**

THE 7th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Robert & Kristen Gagliardi, 21 Ryan Street, Lancaster, New York 14086 for three [3] variances for the purpose of constructing a rear deck on premises owned by the petitioners at 21 Ryan Street, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a rear deck to the property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires each side yard: the lesser of 10% of the lot width or ten [10] feet which equals seven [7] feet, six [6] inches on this property. The petitioners, therefore, request a seven [7] foot, six [6] inch variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a rear deck to the property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires the total side yard: the lesser of 25% of the lot width or twenty-five [25] feet which equals eighteen [18] feet, nine [9] inches on this property. The petitioners, therefore, request a five [5] foot, eleven [11] inch variance.

- C. A variance from the requirements of Chapter 400, Zoning, Section 34, Subsection A of the Code of the Town of Lancaster. The request calls for constructing a rear deck to the property line with the railing at approximately seven [7] feet, six [6] inches above finished grade.

Chapter 400, Zoning, Section 34, Subsection A of the Code of the Town of Lancaster limits the height of a fence or wall in a residential district to six [6] feet in height. The petitioners, therefore, request a one [1] foot, six [6] inch variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Robert Gagliardi, Petitioner	Proponent
Kristen Gagliardi, Petitioner	Proponent

**IN THE MATTER OF THE PETITION OF: ROBERT & KRISTEN GAGLIARDI**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. MONACELLI, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PIGNATARO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Robert & Kristen Gagliardi and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 2021, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicants are the present owners of the premises in question.

**WHEREAS**, the property for which the applicants are petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That such fence will not unduly shut out light or air to adjoining properties.

That such fence will not create a fire hazard by reason of its construction or location.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. DIRIENZO	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

November 18, 2021

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting  
was adjourned at 9:12 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, TOWN CLERK and  
Clerk to Zoning Board of Appeals  
November 18, 2021